

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

JAMES L. LIGHT, JR.,

Petitioner,

v.

//

CIVIL ACTION NO. 1:10CV165
(Judge Keeley)

TERRY O'BRIEN,
Warden, U.S.P. Hazelton,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION [DKT. NO. 33], DENYING
PETITIONER'S MOTIONS FOR SUMMARY JUDGMENT [DKT. NOS. 14, 17, &
21], PETITIONER'S MOTION FOR JUDGMENT AS A MATTER OF LAW
[DKT. NO. 32], PETITIONER'S MOTIONS FOR DEFAULT
[DKT. NO. 20 & 29], GRANTING RESPONDENT'S MOTION TO DISMISS OR,
IN THE ALTERNATIVE, MOTION FOR SUMMARY JUDGMENT [DKT. NO. 23],
AND DENYING AND DISMISSING WITH PREJUDICE PETITIONER'S § 2241
PETITION [DKT. NO. 1], AND DENYING PETITIONER'S MISCELLANEOUS
MOTIONS AS MOOT [DKT. NOS. 7, 27, 30, & 31]

On September 27, 2010, the pro se petitioner, James L. Light, Jr. ("Light"), an inmate at U.S.P. Hazelton, filed a petition for habeas corpus pursuant to 28 U.S.C. § 2241 ("Petition") challenging the validity of his conviction in the United States District Court for the Middle District of Florida. The Court referred this matter to the Honorable David J. Joel, United States Magistrate Judge ("Magistrate Judge Joel"), for initial screening and a report and recommendation in accordance with Local Rule of Prisoner Litigation Procedure 2.

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On December 22, 2010, the respondent, Terry O'Brien, Warden of U.S.P. Hazelton ("O'Brien"), filed a motion to dismiss or, in the alternative, motion for summary judgment, seeking the denial of the Petition (dkt. no. 23). On December 23, 2010, the Court sent a Roseboro notice to Light (dkt. no. 25), who filed responses in opposition to the motion (dkt. nos. 27, 29, & 32).

On February 14, 2011, Magistrate Judge Joel issued his Report and Recommendation ("R&R"). Because § 2255 provides the proper vehicle for Light to challenge his conviction, and because he has failed to demonstrate that § 2255 provides an inadequate or ineffective remedy, Magistrate Judge Joel recommended that the Court grant O'Brien's motion (dkt. no. 23), deny Light's motions for summary judgment (dkt. nos. 14, 17, & 21), deny Light's motion for judgment as a matter of law (dkt. no. 32), deny Light's motions for default (dkt. no. 20 & 29), deny and dismiss Light's § 2241 Petition with prejudice (dkt. no. 1), and deny as moot Light's miscellaneous motions (dkt. nos. 7, 27, 30, & 31).

The R&R also specifically warned Light that his failure to object to the recommendations within fourteen days of receipt of

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the R&R would result in the waiver of any appellate rights he might have as to these issues. Although Light was served with the R&R on February 16, 2010 (dkt. no. 34), he filed no objections.¹

Based on Light's failure to file objections to the R&R, the Court **ADOPTS** the R&R in its entirety (dkt. no. 33), **GRANTS** O'Brien's motion to dismiss or, in the alternative, motion for summary judgment (dkt. no. 23), **DENIES** Light's motions for summary judgment (dkt. nos. 14, 17, & 21), **DENIES** Light's motion for judgment as a matter of law (dkt. no. 32), **DENIES** Light's motions for default (dkt. no. 20 & 29), **DENIES** and **DISMISSES WITH PREJUDICE** Light's Petition (dkt. no. 1), and **DENIES AS MOOT** Light's miscellaneous motions (dkt. nos. 7, 27, 30, & 31).

It is so **ORDERED**.

Pursuant to Fed. R. Civ. P. 58, the Court directs the Clerk to enter a separate judgment order and to transmit copies of both

¹ The failure to object to the R&R not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issues presented. See Thomas v. Arn, 474 U.S. 140, 148-53 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-00 (4th Cir. 1997).

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orders to counsel of record, and to mail copies to the pro se petitioner, certified mail, return receipt requested.

Dated: March 10, 2011.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE